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July 13, 2006

**VIA CM/ECF & HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
UNITED STATES DISTRICT COURT,  
FOR THE DISTRICT OF DELAWARE  
844 North King Street  
Lock Box 27  
Wilmington, DE 19801

**RE: *Epic Systems Corporation v. Acacia Research Corporation and Resource Scheduling Corporation*, Civil Action No. 06-255-JJF**

Dear Judge Farnan:

In response to Plaintiff Epic Systems Corporation's July 13, 2006 letter to the Court, Defendants Acacia Research Corporation and Resource Scheduling Corporation acknowledge that Notice of Settlement papers have been filed in the Eastern District of Texas case styled *Resource Scheduling Corporation v. Cerner Corporation, et al.*, Civil Action No. 2:06-cv-44. Defendants were awaiting the filing and entry of final dismissal papers by the Eastern District of Texas court so that Defendants could forward a copy of the same to this Court while simultaneously apprising the Court and Plaintiff that Defendants no longer seek, as an alternative to Defendants' Motion to Dismiss, to have this action transferred to the United States District Court for the Eastern District of Texas.

This, however, in no way changes Defendants' continued request for this Court to dismiss Plaintiff's declaratory judgment in its entirety for the reasons set forth in Defendants' Motion to Dismiss, Opening and Reply briefs, and supporting Appendix. In fact, the dismissal of the Texas action only further eviscerates Plaintiff's unreasonable "fear" that Defendants would "add Epic to the Texas suit." Defendants still did not, and have not, threatened Plaintiff with patent infringement, and thus no actual controversy exists between Plaintiff and either Defendant.

Upon final dismissal of the Eastern District of Texas action, Defendants will forward to this Court the applicable order. Counsel is available, at the Court's convenience, to answer any questions or to discuss this matter further.

**Respectfully,**

A handwritten signature in cursive script, reading "Karen V. Sullivan".

**KAREN V. SULLIVAN (No. 3872)**

cc: Dr. Peter T. Dalleo (via CM/ECF)  
Edward E. Casto, Esquire (via CM/ECF)  
Jeffrey L. Moyer, Esquire (via CM/ECF & hand delivery)  
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